



CNR: KAHC010753532025

NC: 2026:KHC:42172
CRL.RP No. 1745 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO.1745 OF 2025

BETWEEN:

1. SRI A R RAGHU
S/O LATE RUDRAPPA SHETTY,
AGED ABOUT 39 YEARS,
RESIDING AT OLD MASJID ROAD,
AREHALLI VILLAGE, BELUR TALUK,
HASSAN DISTRICT,
KARNATAKA - 573 101.
2. SRI THAILESH
S/O LATE RUDRAPPA SHETTY,
AGED ABOUT 26 YEARS,
RESIDING AT OLD MASJID ROAD,
AREHALLI VILLAGE, BELUR TALUK,
HASSAN DISTRICT,
KARNATAKA - 573 101.
3. SMT. JAYANTHI
W/O SURESH,
AGED ABOUT 40 YEARS,
RESIDING AT AREHALLI VILLAGE, BELUR TALUK,
HASSAN DISTRICT,
KARNATAKA-573 101.

...PETITIONERS

(BY SRI K.R. NAGARAJA, ADVOCATE)

Digitally
signed by
RAKSHA
Location:
High Court of
Karnataka



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AND:

SMT. H R SARASWATHI
W/O A.R. RAGHU,
AGED ABOUT 41 YEARS,
RESIDING AT 2ND CROSS, ADARSHA NAGAR,
ADLIMANE ROAD,
HASSAN, KARNATAKA - 573 201.

...RESPONDENT

(BY SRI HALESHA R. GAVIMATH, ADVOCATE)

* * *

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 READ WITH SECTION 401 OF THE CODE OF CIVIL PROCEDURE, 1908, PRAYING TO SET ASIDE THE ORDER DATED 18.08.2025 IN CRIMINAL APPEAL NO.21 OF 2025 ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, HASSAN, CONFIRMING THE ORDER DATED 22.12.2023 IN CRIMINAL MISCELLANEOUS NO.1050 OF 2018 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., HASSAN.

THIS CRIMINAL REVISION PETITION IS COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard the learned counsel for the petitioners and the learned counsel for the respondent.



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2. The petitioners have filed this petition challenging the order dated 18.08.2025 passed by the learned II Additional District and Sessions Judge, Hassan, in Criminal Appeal No.21 of 2025. The said order reads as under:

"Appellant absent. Respondent present. In spite of sufficient opportunities given no evidence was lead by applicant appellant on IA No.I filed U/sec.5 of limitation Act seeking condonation of delay of 1 year 22 days. Hence, appeal is dismissed for non prosecution."

3. Learned counsel for the petitioners has vehemently contended that the interim maintenance granted by the trial Court is high and exorbitant. Therefore, being aggrieved by the order of the trial Court, the petitioners preferred Criminal Appeal No.21 of 2025 before the First Appellate Court, but the First Appellate Court, without considering the matter on merits, has dismissed the appeal for non-prosecution and therefore, the respondent is not entitled for any maintenance.



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4. Learned counsel for the respondent-wife fairly submitted that the present revision petition filed by the petitioners may be allowed, subject to a condition that the maintenance amount deposited by the revision petitioners be disbursed to the respondent.

5. Perused the impugned order. The First Appellate Court dismissed the appeal filed by the revision petitioners for non-prosecution by observing that in spite of sufficient opportunities given, no evidence was led by the appellants (petitioners herein) on I.A. No.I filed under Section 5 of the Limitation Act, 1963, for condoning the delay of one year and twenty-two days.

6. From the above, it appears that the First Appellate Court has not given fair opportunity to the petitioners. Since the petitioners are not granted fair opportunity, it would lead to violation of the principles of natural justice. Hence, the Court proceeds to pass the following



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ORDER

- i. Criminal revision petition is ***allowed***.
- ii. The order dated 18.08.2025 passed by the learned II Additional District and Sessions Judge, Hassan, in Criminal Appeal No.21 of 2025 is set aside.
- iii. The matter is remanded to the First Appellate Court to dispose off the appeal in accordance with law by giving opportunity to the parties.
- iv. All contentions of the parties are kept open.

7. At this juncture, the learned counsel for the petitioners submits that a sum of Rs.6,28,750/- is deposited before the trial Court in terms of the order passed by this Court.

8. Keeping in view the submission made by the learned counsel for the respondent, out of the said amount, the trial Court is directed to release a sum of Rs.5,00,000/- (Rupees five lakh only) to the respondent, on proper identification, and remaining amount shall be



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kept in a Fixed Deposit till disposal of the matter before the First Appellate Court.

In view of the disposal of the revision petition, pending interlocutory application, if any, shall stand dismissed.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK
List No.: 1 Sl No.: 18